

REMARKS

Status of Claims

Claims 1, 8-13, 17, 19, 21, 22, and 24 are amended; claim 27 is cancelled; and claim 28 is added by this amendment, such that claims 1-14, 16-26, and 28 are pending in the application. Entry of the amendments is respectfully requested.

Note on Office Action Summary

The Office Action Summary indicates that the most recent communication is responsive to communication(s) filed on March 21st, 2008. It is believed the Office Action is actually responsive to the Amendment and Response filed February 26th, 2008.

Telephone Interview

The Undersigned thanks Examiner Rapillo for conducting a telephone interview on August 27, 2008. During that conversation, the independent claims and proposed claim amendments were discussed. No substantive agreement was reached.

Support for Claim Amendments

The amendments to the claims are supported throughout the application as filed. Although support is found throughout the application, the amendments to the independent claims are supported at least at paragraph [0132] (describing identification of review group members), paragraph [0135] (describing combination of analyses), paragraphs [00136] and [0137] (describing comparison of previously analyzed data sets with received data sets), and paragraphs [0060] and [0115] (describing normalization of analyses), for example.

Claim Rejections Under 35 U.S.C. § 101 and § 112, Second Paragraph

Claims 8, 9, and 10 stand rejected under 35 U.S.C. 112, Second Paragraph and under 35 U.S.C. 101 because the dependent claims recite “methods” but depend from a “system” base claim. Claims 8, 9, and 10 have been amended to remedy these inadvertent,

typographical errors such that each of those claims now recite “The system of claim 1” rather than “The method of claim 1.” Withdrawal of the rejections of claims 8, 9, and 10 under §§ 101 and 112 is respectfully requested.

Claim Rejections Under § 103(a)

Claims 1-7 and 11-27 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,263,245 (“Snell”) and U.S. Patent No. 6,669,631 (“Norris”).

Claim 1 as amended relates, in part, to a server that includes instructions for identifying a review group by selecting from a collection of review group members capable of receiving the portion of the first data set under review through a communications network and returning an analysis of the portion of the first data set under review. The review group includes a first member and a second member. The instructions cause the portion of the first data set to be provided to the first and second members of the review group. A first analysis of the portion of the first data set is received from the first member of the review group and a second analysis of the portion of the first data set is received from the second member of the review group, the server including instructions for normalizing the first and second analyses to provide a combined analysis of the first data set and storing the combined analysis of the first data set.

Claim 1 is patentable over the cited references. For instance, neither Snell nor Norris provides a system that includes instructions for combining analyses of two different reviewers for the same data set, much less one that normalizes those analyses to provide a combined analysis and stores the combined analysis. Snell relates to efficient IMD data interrogation and describes a physician accessing and analyzing that data, but does not describe a system for obtaining and combining analyses from multiple reviewers. Norris is also lacking the features of claim 1 in at least this respect. Withdrawal of the rejection and notice to that effect are respectfully requested.

Claim 11 as amended relates, in part, to a method for obtaining medical information feedback using a medical device information system connected to a communications network, the method including the system receiving a first data set over a communications

network, the first data set originating from an implantable medical device and identifying a review group associated with the first data set by selecting from a collection of reviewers capable of receiving the first data set through a communications network and returning an analysis of the first data set, wherein the review group includes a plurality of members. The first data set is communicated to the members of the review group over the electronic communications network by the system. The method also includes the system receiving an analysis of the first data set from each of the members of the review group over the electronic communications network and combining the analyses of two or more of the members to provide a combined analysis for the first data set. The analysis of the first data set is compared with a second data set by the system to determine whether the first and second data sets are similar. The combined analysis of the first data set is associated with the second data set by the system if the first and second data sets are determined to be similar.

For at least reasons similar to those described above, claim 11 is believed patentable over the cited references. For example, neither Snell nor Norris provides a system that includes instructions for combining analyses of two different reviewers for the same data set, much less one that compares data sets to determine whether they are similar and associates the combined analysis of one of the data sets with the other data set if they are determined to be similar. Withdrawal of the rejection and notice to that effect are respectfully requested.

Claim 24 as amended relates, in part, to a system for distributing medical data, the system including a medical data database and a server having a processor and a computer readable medium including instructions executable by the processor to receive a request for medical data, wherein the request includes an indication of the implantable medical device. The instructions also include accessing the first data set and the second data set from a medical data database and communicating the first data set to a first plurality of reviewers across a communication network and the second data set to a second plurality of reviewers across the communication network. The instructions also include receiving a medical analysis of the first data set from the first plurality of reviewers across the communications network and a medical analysis of the second data set from the second plurality of reviewers across the communications network. The medical analyses of the first data set are combined

into a first combined analysis and the medical analyses of the second data set are combined into a second combined analysis.

Claim 24 is patentable over the cited references. For example, neither Snell nor Norris provides a system that includes instructions for combining analyses of two different reviewers for the same data set. Withdrawal of the rejection and notice to that effect are respectfully requested.

Conclusion

In sum, all of the pending claims are now in condition for allowance and all objections have been addressed. Withdrawal of the rejections and objections, allowance of the claims, and notice to that effect are respectfully requested.

Respectfully submitted,

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